

---

## **Appendix 14**

### **NPCA Contingency Plan**

# **CONTINGENCY PLAN NORTH POST-CLOSURE AREA**

**Square D Company  
1060 EAST THIRD STREET  
BEAUMONT, CALIFORNIA**

**FEBRUARY 2008**

## TABLE OF CONTENTS

<b><u>Section</u></b>	<b><u>Page</u></b>
SECTION 1 INTRODUCTION.....	3
SECTION 2 FACILITY INFORMATION.....	4
2.1 FACILITY INFORMATION.....	4
2.2 NORTH POST-CLOSURE AREA .....	5
SECTION 3 IMPLEMENTATION.....	6
SECTION 4 EMERGENCY PROCEDURES.....	8
4.1 INITIAL EMERGENCY PROCEDURES.....	8
4.2 POST EMERGENCY PROCEDURES.....	9
SECTION 5 DISTRIBUTION OF THE CONTINGENCY PLAN.....	11
SECTION 6 ARRANGEMENTS WITH LOCAL AUTHORITIES....	13
SECTION 7 AMENDMENTS TO THE PLAN.....	14
SECTION 8 EMERGENCY EQUIPMENT.....	15
SECTION 9 PERSONAL PROTECTION.....	16

### **Figures**

Figure 1	Facility Location Map
Figure 2	Location of North Post Closure Area

### **SECTION 1                      INTRODUCTION**

This Contingency Plan (Plan) has been prepared for the Square D Company for the North Post-Closure Area (NPCA). The Plan describes the procedures used to minimize potential hazards to human health and the environment from any sudden or non-sudden release of hazardous waste or constituents thereof from the NPCA to air, surface waters, and soil. The provisions of this Plan will be carried out whenever a release of hazardous materials occurs at the NPCA through an emergency event such as a fire, explosion, vandalism, accidents, earthquakes, or other natural phenomena that could threaten human health and the environment.

This Plan was prepared in accordance with “Contingency Plan and Emergency Procedures,” Article 4, Title 22 of the California Code of Regulations (CCR) and 40 Code of Federal Regulations (CFR) 265.50-6. This revision of the Contingency Plan is applicable only to the NPCA (Parcel No. 1, Lot A) as a hazardous waste management facility.

Square D discontinued manufacturing operations and generation of hazardous wastes at the site in 1990. The NPCA is currently being used by Priority Pallets for the temporary storage of wooden pallets. The procedures described in this Plan refer to the emergency response efforts conducted by Square D personnel only.

## **SECTION 2                      FACILITY INFORMATION**

### **2.1      FACILITY INFORMATION**

The Square D Company facility (Facility) manufactured copper foil from 1970 to 1989. The Facility previously occupied 34 acres of land located in the southeast portion of the City of Beaumont, California (Figure 1). Square D Company decommissioned and permanently closed the Facility in April 1990.

The NPCA consists of an area of former waste settling ponds that were covered with an asphaltic and lined containment cap. On December 22, 1999, Square D Company sold a majority of the Facility property, with the exception of the NPCA. Priority Pallets currently leases the NPCA for temporary storage of wooden pallets. A description of the Facility and the location of the NPCA is provided in Figure 2.

The owner, name, address of the facility, type of facility, facility contact, Emergency Coordinator, Corporate contact, and EPA Hazardous waste Identification Number are as follows:

Facility:	North Post-Closure Area
Owner:	Schneider Electric Square D Company
Address:	1060 East Third Street Beaumont, CA 92223
Facility Type:	Inactive copper foil manufacturing Hazardous waste containment structure
Facility Contact:	Curt Christensen Square D Company 1717 Center Park Road Lincoln, NE 68512
Phone:	Office: (402-423-6721) Cell: (402-304-5257)

Emergency: John Farmer  
Coordinator: Innovative Construction Solutions  
7125 Fenwick Lane, Suite O  
Westminster, CA 92683

Office: (714) 893-6366  
Home: (714) 990-8856  
Cell: (714) 615-5728

Corporate Rich Widdowson  
Contact: Director - Safety & Environment  
Square D Company  
1415 S. Roselle Road  
Palatine, IL 60067  
(847) 397-2600

EPA ID No: CAD 050766775

## **2.2 NORTH POST-CLOSURE AREA**

The Facility ceased manufacturing activities in 1989, and Square D Company subsequently de-commissioned and permanently closed the Facility in April 1990. All settling ponds were closed in accordance with an approved Closure Plan, dated May 20, 1988. All process waste residues were removed from the surface impoundments prior to closure. The settling pond areas were covered with an asphaltic and lined containment cap, and designated as the NPCA.

The NPCA is operated under a Post-Closure Permit with the California Department of Toxic Substances Control (DTSC). The permit was obtained on April 30, 1998. An application for renewal was submitted in February 2008.

Soil contamination which is present in the NPCA is reported to be limited to copper compounds. The subsurface extent of soil impacted by copper is believed to be between 6 and 30 feet below surface grade. The maximum level of copper detected in the soils beneath the NPCA is 10,000 mg/kg.

### SECTION 3 IMPLEMENTATION

This Plan shall be implemented to minimize the potential threat to human health and the environment as the result of a release of hazardous waste or materials from the NPCA. The Facility ceased operations in 1990 and hazardous wastes are no longer generated by Square D. The Plan applies to those activities under the direct control of Square D at the NPCA.

Implementation of the Plan will be under the guidance and control of the Emergency Coordinator or his designated alternate. The Emergency Coordinator or his designated alternate will be available 24 hours a day, 365 days per year to respond to an emergency situation at the NPCA. The Emergency Coordinator shall implement the provisions of this Contingency Plan in the event one or more of the following situations should occur at the NPCA:

#### Fires and Explosions

Combustible materials, i.e. wooden pallets, are currently stored at the site. A fire could create potentially hazardous runoff from fire fighting efforts or result in dust exposure. The following situations would require implementing the Plan.

- A fire that is large enough to require off-site fire-fighting aid;
- A fire involving or releasing hazardous waste or hazardous waste constituents;
- Use of any fire extinguishing material which could result in contaminated runoff;
- A condition exists which could result in imminent explosion; or
- An explosion has occurred.

#### Hazardous Waste or Hazardous Waste Constituents Release

A release, by definition, may consist of:

- Any release of a solid, liquid, or gas that contains a hazardous waste or hazardous constituent;
- Any release of flammable waste that could result in a fire or explosion;
- Any release that could mix with other materials and react to create an additional hazard;
- Any hazardous waste or hazardous constituent release which cannot be contained onsite and could (or does) result in offsite air, soil, surface water or groundwater contamination; or
- Any hazardous waste or hazardous constituent release which cannot be contained onsite, but could potentially cause soil, groundwater or surface water contamination.

Other Emergencies (e.g., vandalism, accident, train derailment, earthquakes, etc.)

These situations could result in the release or introduction of hazardous materials or hazardous waste, depending on the nature of the accident.



### **SECTION 4                      EMERGENCY PROCEDURES**

#### **4.1      INITIAL EMERGENCY PROCEDURES**

In the event of an imminent or actual emergency situation involving the release of hazardous wastes or hazardous waste constituents to the air, soil, or surface water at the NPCA, the Emergency Coordinator or his designated alternate will conduct the following procedures as expeditiously as possible.

- 1)      Determine the exact source, amount and area impacted by the release.
- 2)      Determine if the release poses a threat to human health or the environment beyond the boundaries of the NPCA.
- 3)      If it is determined that a release has occurred that could threaten areas surrounding the NPCA, notify the Beaumont Fire Department and Police Department and, if necessary, request assistance.
- 4)      Assist the authorities in deciding if the nearby residential areas should be evacuated.
- 5)      Assist the emergency response teams in managing the release and/or fire, and in selecting the proper personal protection equipment for the response activities. Containment of the release will most likely consist of diking, plugging, or absorptive measures. A list of emergency equipment that may be used in these efforts is included in Section 8. Fire fighting efforts will require that special steps be taken to minimize the release of potentially contaminated water generated at the NPCA. These steps may include use of alternative extinguishing materials (i.e., foam), temporary closure of storm water drainage structures, and bermed containment of fire water runoff.
- 6)      If a release occurs at the NPCA that meets or exceeds the Reportable Quantities requirements, immediately contact and advise the National Response Center, phone number 800-424-8802. His report will include: name and phone number of the reporter, name and address of the facility, and type of incident of release or fire, characteristics and estimated

quantity of materials released, the extent of the injuries (if occurred), and a list of the possible hazards to human health or the environment beyond the NPCA boundary. The Reportable Quantities for the hazardous waste materials present at the NPCA includes 10 pounds for cupric sulfate and 100 pounds for lead sulfate.

### **4.2 POST EMERGENCY PROCEDURES**

The following measures will be implemented by the Emergency Coordinator or his designated alternate immediately after a release or fire has occurred at the NPCA.

- 1) Make provisions for storing, treating, or disposing of recovered wastes, contaminated soil or surface waters that are the result of a release and/or fire at the NPCA. Materials recovered from the incident will be analyzed for the presence of hazardous constituents. If the recovered materials exhibit hazardous properties, the materials will be managed and disposed of as a hazardous waste in accordance with state and federal regulations.
- 2) Assure that other wastes that may be incompatible to the released material are not brought into the affected area until cleanup procedures have been completed.
- 3) Notify the Cal-EPA of all accidents which involved the release of hazardous waste which result in, or may potentially result in, a threat to human health and the environment.
- 4) Supervise the cleanup in response to the emergency. Ensure that the equipment is in proper working order and returned to its designated place. Determine the appropriate method for managing the residues resulting from decontamination of equipment used during emergency response activities.
- 5) Submit a written report to the Cal-EPA concerning any incident which required the implementation of this Plan within 15 days following the incident date. The information to be provided to the Cal-EPA should include the following:
  - a) Name, address and phone number of the Facility owner;
  - b) Name, address and phone number of the Facility;
  - c) Date, time and type of incident;
  - d) Character and estimated quantities of materials involved;

## ***EMERGENCY PROCEDURES***

---

- e) Extent of injuries (if occurred);
  - f) Assessment of hazards to human health or the environment, actual or potential; and
  - g) The disposition and quantity of material that resulted from the incident.
- 6) After the cleanup has been completed, notify the Cal-EPA and other individuals or agencies that have been notified of the release that cleanup has been completed.

## ***DISTRIBUTION OF THE CONTINGENCY PLAN***

---

### **SECTION 5      DISTRIBUTION OF THE CONTINGENCY PLAN**

Copies of this Plan and all revisions to the Plan will be sent to the following agencies.

- 1)      Beaumont Police Department  
660 Orange Avenue  
Beaumont, CA 92223  
(909) 845-1161
- 2)      Beaumont Fire Department  
628 Maple  
Beaumont, CA 92223  
(909) 845-3141
- 3)      California Highway Patrol  
San Georgina Pass Area Office  
195 S. Highland Springs Avenue  
Beaumont, California 92223  
(909) 845-4661
- 4)      San Georgina Pass Memorial Hospital  
600 N. Highland Springs Road  
Banning, CA 92220  
(909) 845-1121
- 5)      Riverside County Fire Department  
Emergency Services Division  
4080 Lemon Street, Suite 8  
Riverside, Ca 92501  
(909) 787-2411
- 6)      Public Health Administrative Offices  
Environmental Health Administration  
Hazardous Materials Section  
4065 County Circle Drive, Room 123  
Riverside, CA 92503  
(909) 358-5055

## ***DISTRIBUTION OF THE CONTINGENCY PLAN***

---

Copies of the Plan and all revisions to this Plan will also be maintained by the following:

- 1) John Farmer  
Innovative Construction Solutions, Inc.  
7125 Fenwick Lane  
Westminster, CA 92683
- 2) Square D Company  
Executive Plaza  
1415 South Roselle Road  
Palatine, IL 60067
- 3) Square D Company  
Attn: Curt Christensen  
1717 Center Park Road  
Lincoln, NE 68512
- 4) Square D Facility  
North Post-Closure Area  
1060 East Third Street  
Beaumont, CA 92223

## ***ARRANGEMENTS WITH LOCAL AUTHORITIES***

---

### **SECTION 6      ARRANGEMENTS WITH LOCAL AUTHORITIES**

Square D Company has submitted copies of this Plan via Certified Mail, Return Receipt Requested, to the agencies listed in Section 5. A copy of the Plan transmittal letter, including the request for emergency assistance, will be maintained in the records for Square D.

**SECTION 7                      AMENDMENTS TO THE PLAN**

The Plan shall be reviewed annually and amended under the following conditions:

1. The regulations are revised;
2. The Plan fails in an emergency situation;
3. Design or maintenance changes occur at the NPCA that materially increase the potential for fire, explosion, or release of hazardous waste;
4. The contact name(s) is changed; or
5. The list of emergency equipment at the NPCA changes.

### **SECTION 8                      EMERGENCY EQUIPMENT**

The NPCA is equipped with a telephone system capable of summoning emergency response agencies. The phone is located in the adjoining office building managed by Priority Pallets.

The following emergency equipment will be present during all on-site groundwater monitoring activities at the Facility:

- First aid kit;
- Portable eye wash bath, capable of 15 minutes of flushing;
- Air horns for emergency evacuation signals;
- Fire extinguisher with a minimum rating 2A; -40BC;
- Liquid spill absorbent barriers/pillows and plugging/diking materials;
- Flashlights, shovels, and other tools;
- Plastic sheeting, minimum 6-mil thickness;
- Personal protective equipment (hard hats, gloves, safety goggles, etc.);
- Portable cellular telephone; and
- Containers for placing disposable contaminated materials and clothing.



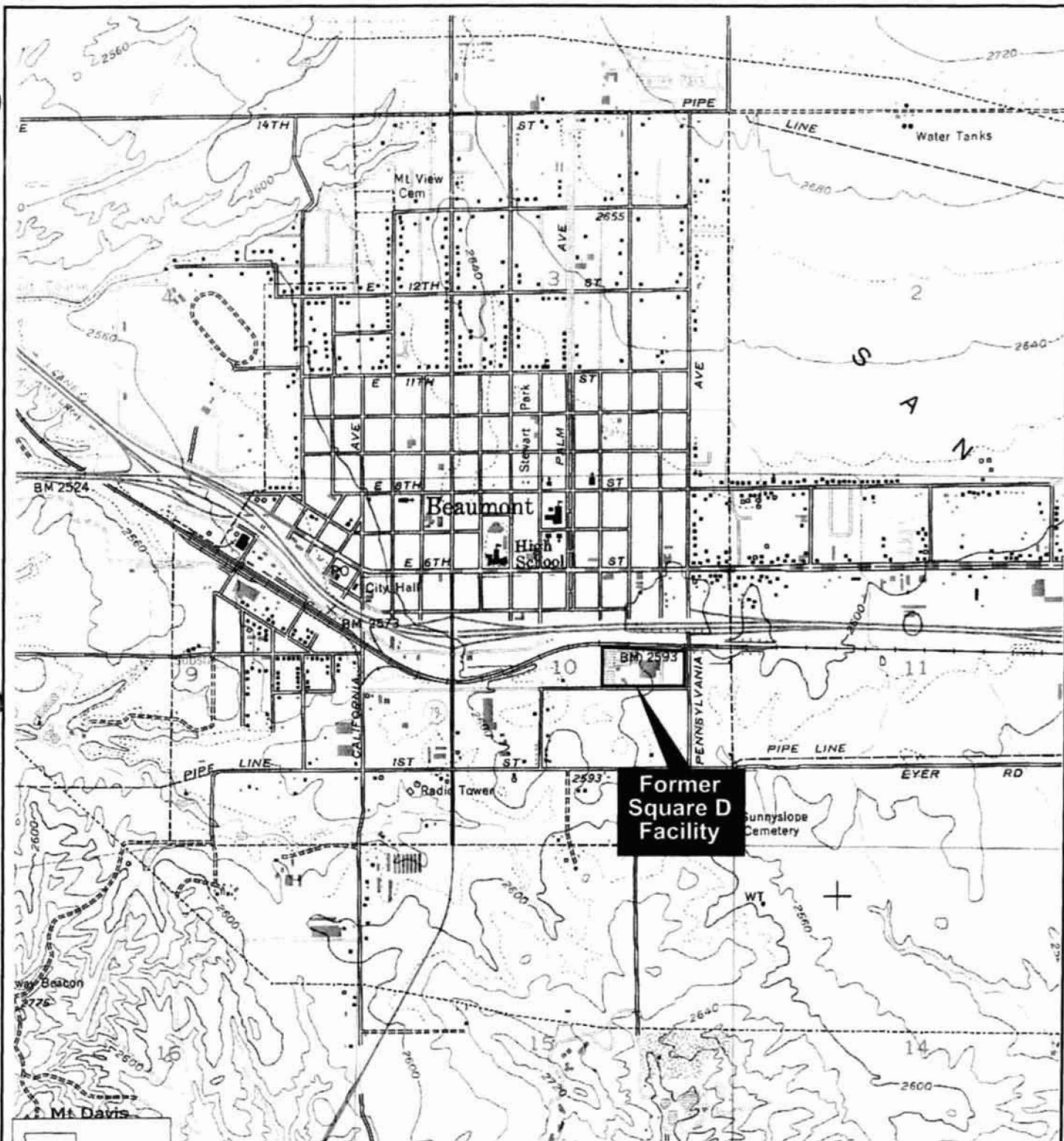
### **SECTION 9**

### **PERSONAL PROTECTION**

Personal protection will consist of Level “D” protection during emergency response activities at the NPCA. Level “D” protection is comprised of boots, hard hats, jeans, long-sleeve shirt, and gloves, if necessary. Level “D” protection will be elevated to Level “C” only in the event of a site condition which warrants the need for a higher level of protection, or when the Emergency Coordinator or his designated alternate requires the upgrade.

Level “C” personal protection equipment is comprised of Tyvek suits, respirators rated for particulates and dusts, gloves, goggles and neoprene boots. Level “C” protection will be implemented in accordance with the site Health & Safety Plan for Field Work. All supervision of safety practices will be the responsibility of the Emergency Coordinator or his designated alternate.

Only personnel wearing Level “C” protection will be allowed in areas which exhibit inhalation hazards. These hazardous areas will be cordoned off by caution tape. When the shift is completed, all personnel exiting the Level “C” area will be required to remove protective clothing and equipment. The contaminated clothing and equipment will be decontaminated or disposed of as a hazardous waste.



REFERENCE: USGS 7.5 Minute Series Beaumont, CA Quad, Photorevised 1988



### FACILITY LOCATION MAP

Project No.: 29864170

Date: OCTOBER 2007

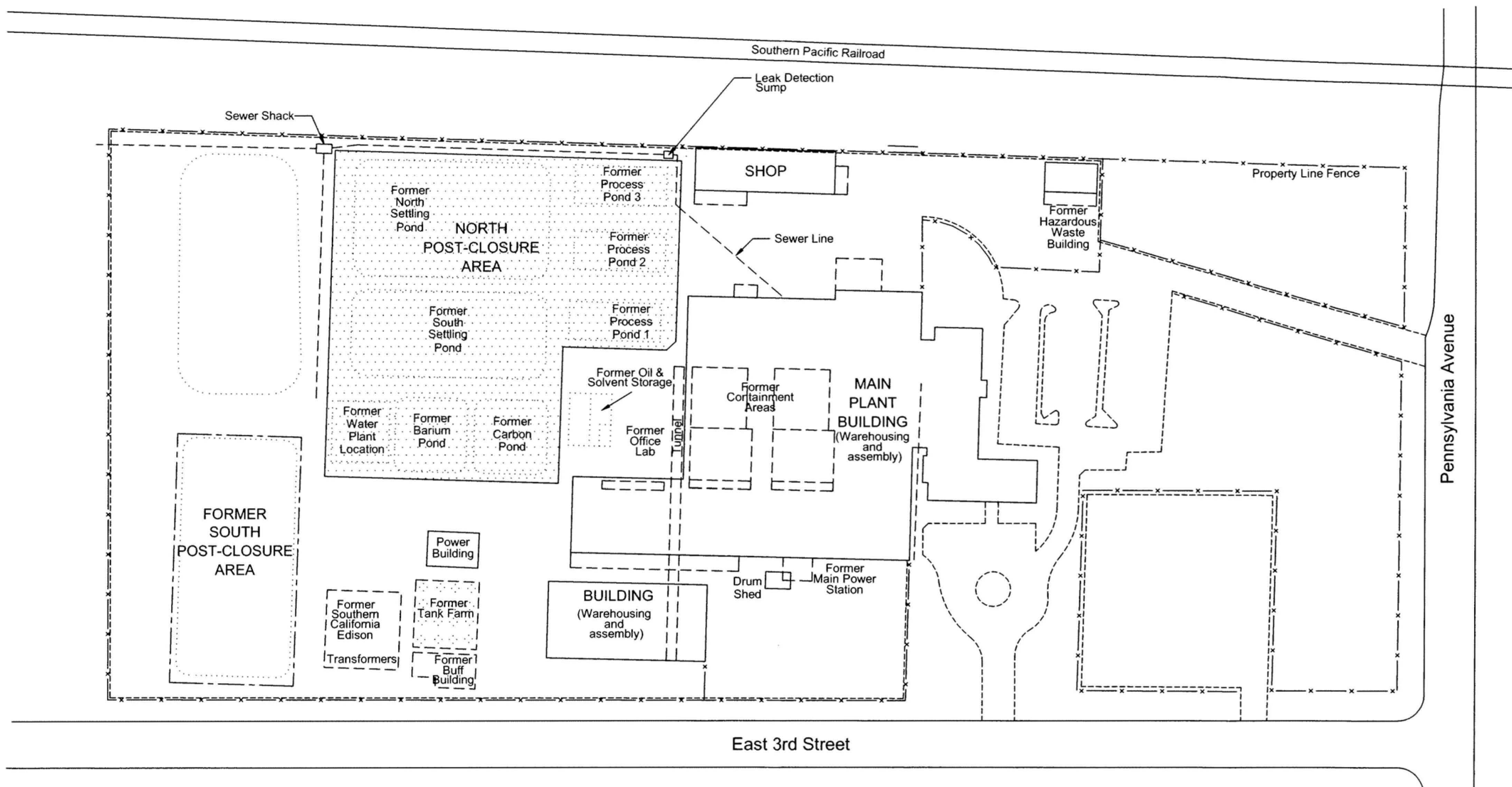
Project:

Contingency Plan  
North Post-Closure Area  
SQUARE D COMPANY 1060 EAST 3RD ST., BEAUMONT, CA

Figure 1

**URS**

DRIVING Y:\2986417027 - Square D Company\September 2007\Figure B-2\_Location of North Post Closure Area.dwg



0 100 200  
FEET



## LOCATION OF NORTH POST-CLOSURE AREA

Project No.:

29864170

Date:

OCTOBER 2007

Project:

CONTINGENCY PLAN  
NORTH POST-CLOSURE AREA  
1060 EAST 3RD STREET  
BEAUMONT, CALIFORNIA  
SQUARE D COMPANY

Figure

2

---

## **Appendix 15**

### **Existing Deed Restriction for NPCA**

Square D Co.  
By: J.A. McGilvray PL 5  
624 W. Pendleton Rd  
Banning, CA.

003400  
RECEIVED FOR RECORD (A)  
AT 8:00AM

JAN 26 1999

COVENANT TO RESTRICT USE OF PROPERTY

ENVIRONMENTAL RESTRICTION

Recorded in Official Records  
of Riverside County, California

Recorder

(Re: County of Riverside, Assessor's Parcel Number 418-170-005  
and 418-182-013 (Lot B), Square D Facility.)

This covenant and Agreement ("Covenant") is made by and between Square D Company (the "Covenantor"), the current owner of certain property situated in Beaumont, County of Riverside, State of California, described in Exhibit "A" (legal description of Lot B), attached hereto and incorporated herein by this reference (the "Property"), and the Department of Toxic Substances Control (the "Department"). Pursuant to Civil Code section 1471 C, the Department has determined that this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on the land of hazardous materials as defined in Health and Safety Code (H&SC) section 25260. The Covenantor and the Department, collectively referred to as the "Parties", therefore intend that the use of the Property be restricted as set forth in this Covenant, in order to protect human health, safety and the environment.

ARTICLE I  
STATEMENT OF FACTS

1.01 The Property, totaling approximately 12.260 acres is more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by this reference. The Property is located in the area now generally bounded by on the North by the Southern Pacific Railroad right of way, on the east by Pennsylvania Avenue, on the South by Third Street, and on the west by a parcel not owned by Covenantor, in the City of Beaumont, County of Riverside, State of California. This property is more specifically described as Riverside County Assessor's Parcel No: 418-170-005 and 418-182-013.

1.02 (a). The Department provided regulatory oversight during the RCRA Corrective Action (CA) activities for the Main Plant Building, including but not limited to, other onsite areas and surrounding offsite areas. The CA activities consisted of soil and groundwater sampling, removal of soil containing hazardous substances subject to the requirements of the California Hazardous Waste Control Law (HWCL), at Health and Safety Code (H&S Code) section 25100 et seq., and the federal Resource Conservation and Recovery Act (RCRA), at 42 U.S.C. section 6901 et seq. Pursuant to the closure requirements of the HWCL, including H&S Code section 25246 and post-closure notices provisions of Title 22 California Code of Regulations section 66264.119 (b) the Department is requiring this Covenant as part

of the facility closure. The Department circulated a Corrective Measures Study, which contained a Final Health Risk Assessment and/or Remedial Goals, together with a draft Negative Declaration pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq for public review and comment. The Department approved the Corrective Measures Study with associated Health Risk Assessment together with the Negative Declaration in March 1995.

Pursuant to these documents, remediation work began at the facility in January, 1995. Excavated soil from the remediation was stockpiled on the Property, profiled for RCRA metals, where necessary, stabilized on-site, as required to meet Land Disposal Restrictions, and transported by rail to a permitted Non RCRA landfill in Utah.

1.03 As detailed in the Final Corrective Measures Implementation Completion Report as approved by the Department on March 13, 1996 and the Final Health Risk Assessment as approved by the Department on June 8, 1998, a portion of the surface and subsurface soils within 10 feet of the surface of the Property contain hazardous materials, as defined in H&S Code section 25117 and 25260, which include one or more of the following metals in the ranges set forth below: arsenic ( $\leq 7$  parts per million (ppm), lead ( $\leq 1600$  ppm), nickel ( $\leq 2,769$  ppm), hexavalent chromium ( $\leq 36$  ppm), and zinc ( $\leq 41,538$  ppm). Some portions of the building (slabs on grade or footings) may also contain hazardous material. In addition, pH in soils remaining on the site range from 3.5 to 12.1.

ARTICLE II  
DEFINITIONS

2.01 Department. "Department" shall mean the California Department of Toxic Substances Control and shall include its successor agencies, if any.

2.02 Owner. "Owner" shall mean the Covenantor, its successors in interest, and their successors in interest, including heirs and assigns, who at any time hold title to all or any portion of the Property.

2.03 Occupant. "Occupant" shall mean Owners and any person or entity entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property.

ARTICLE III  
GENERAL PROVISIONS

3.01 Restrictions to Run With the Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as "Restrictions"), upon and subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. Each and every one of the Restrictions: (a) shall run with the land pursuant to H&SC sections 25202.5, and 25202.6 and Civil Code section 1471; (b) shall inure to the benefit of and pass with each and every portion of the Property, (c) shall apply to and bind the respective successors in interest to the Property, (d) are for the benefit of, and shall be enforceable by the Department, and (e) are imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof.

3.02 Binding Upon Owners/Occupants. Pursuant to Health and Safety Code section 25202.5(b), this Covenant shall be binding upon all of the owners of the land, their heirs, successors, and assignees, and the agents, employees, and lessees of the owners, heirs, successors, and assignees. Pursuant to Civil Code section 1471 (b), all successive owners of the Property are expressly bound hereby for the benefit of the Covenantee(s) herein. "Owner" shall include "Covenantor".

3.03 Written Notice of Hazardous Substance Release. The Owner shall, prior to the sale, lease, or rental of the Property, give a copy of this Covenant to prospective Purchaser(s) or Lessee(s).

3.04 Conveyance of Property. Covenantor agrees that the Owner shall provide notice to the Department not later than thirty (30) days after any conveyance of any ownership interest in the Property (excluding mortgages, liens and other non-

possessory encumbrances). The Department shall not, by reason of this covenant, have authority to approve, disapprove, or otherwise affect such proposed conveyance, except as otherwise provided by law, by administrative order, or specific provision of this Covenant.

#### ARTICLE IV RESTRICTIONS

4.01 Prohibited Uses. The Property shall not be used for any of the following purposes:

- (a) A residence, including any mobile home or factory built housing, constructed or installed for use as residential human habitation.
- (b) A hospital for humans.
- (c) A public or private school for persons under 21 years of age.
- (d) A day care center for children.

4.02 Access for Department. Covenantor agrees that the Department shall have reasonable right of entry and access to the Property for inspection, monitoring, and other activities consistent with the purposes of this Covenant as deemed necessary by the Department in order to protect the public health and safety.

#### ARTICLE V ENFORCEMENT

5.01 Enforcement. Failure of the Covenantor and/or Owner to comply with any of the Restrictions specifically applicable to it shall be grounds for the Department, by reason of this Covenant, to require that the Covenantor and/or Owner modify or remove any improvement ("Improvements" herein shall mean all buildings, roads, driveways, and paved parking areas, constructed or place upon any portion of the Property constructed in violation of the Restrictions). Violation of this Covenant shall be grounds for the Department to file civil and/or criminal actions against the Covenantor and/or Owner as provided by law.



ARTICLE VI  
VARIANCE, TERMINATION, AND TERM

6.01 Variance. Any Owner or, with the Owner's written consent, any Occupant of the Property or any portion thereof may apply to the Department for a written variance from the provisions of this Covenant. Such application shall be made in accordance with H&S Code section 25202.6.

6.02 Termination. Any Owner, and/or, with the Owner's written consent, any Occupant of the Property, or any portion thereof, may apply to the Department for a termination of the Restrictions or other terms of this covenant as they apply to all or any portion of the Property. Such application shall be made in accordance with H&S Code Section 25202.6.

6.03 Term. Unless ended in accordance with the Termination Paragraph above, by law, or by the Department in the exercise of its discretion, this covenant shall continue in effect in perpetuity.

ARTICLE VII  
MISCELLANEOUS

7.01 No Dedication Intended. Nothing set forth in this Covenant shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Property, or any portion thereof to the general public or anyone else for any purposes whatsoever.

7.02 Department References. All references to the Department include successor agency/successor department or other successor entities.

7.03 Recordation. The Covenantor shall record this Covenant, with all referenced Exhibits, in the County of Riverside within ten (10) days of the Covenantor's receipt of a fully executed original.

7.04 Notices. Whenever any person gives or serves any notice ("Notice" as used herein includes any demand or other communication with respect to this Covenant), each such Notice shall be in writing and shall be deemed effective: three (3) business days after deposit in the mail, if mailed by United States mail, postage paid, certified, return receipt requested:

To Owner:

Safety, Health and Environmental Department  
 Square D Company  
 1415 South Roselle Road  
 Palatine, IL 60067

To Department: Jose Kou, Chief  
 Department of Toxic Substances Control  
 Southern California Permitting Branch  
 1011 North Grandview Avenue  
 Glendale, California 91201

Any party may change its address or the individual to whose attention a Notice is to be sent by giving written Notice in compliance with this paragraph.

7.05 Partial Invalidity. If any portion of the Restrictions or other term set forth herein is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.

IN WITNESS WHEREOF, the Parties execute this Covenant.

"Covenantor"

Date: January 20, 1999

By: Howard E. Japlon  
 Howard E. Japlon  
 Assistant General Counsel,  
 Assistant Secretary  
 Square D Company

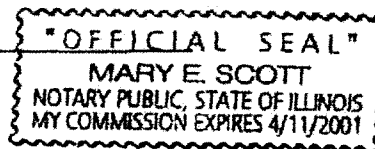
State of Illinois  
 County of Cook

On this 20<sup>th</sup> day of January, 1999, before me personally came Howard Japlon, to me known, who being by me duly sworn, did depose and say that he is employed by Square D Company, 1415 S. Roselle Road, Palatine, Illinois, that he is the Assistant General Counsel, Assistant Secretary of the corporation described in and which executed the above instrument.

Notary Public

Mary E. Scott

My Commission Expires: \_\_\_\_\_



"Department"

Date: 1/22/99

//Original signed by//

By: -

Karen Baker,  
Branch Chief

*Branch Chief*

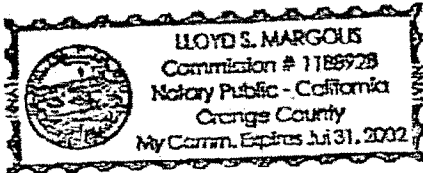
Department of Toxic  
Substances Control

State of CALIFORNIACounty of ORANGE

§

On 22, JANUARY 1999 before me, LOYD S. MARGOLIS,  
DATE NAME OF NOTARY PUBLICpersonally appeared, KAREN BAKER  
NAME(S) OF SIGNER(S)

☐ personally known to me- or ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is / are subscribed to the within instrument and acknowledged to me that he / she / they executed the same in his / her / their authorized capacity (ies), and that by his / her / their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal.

SIGNATURE OF NOTARY PUBLIC

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and prevents fraudulent reattachment of this form.

## Type or Title of Document

COVENANT TO RESTRICT USE OF  
PROPERTY - ENVIRONMENTAL RESTRICTION

Number of pages: 7Date of Document: 1/22/99

Signer(s) Other Than Named Above:

## Capacity Claimed By Signer(s)

☐ Individual(s)☒ Corporate☐ Partner(s)☐ General☐ Limited☐ Attorney-in-Fact☐ Guardian/Conservator☐ Trustee(s)☐ Other:

Signer is Representing:

Name(s) of Person(s) or Entity(ies)

State of Illinois

County of Cook

On this 6<sup>th</sup> day of November, in the year 1998, before me, the undersigned, a Notary Public in and for said County and State, personally appeared W. W. Kurczewski personally known to me to be the Vice President, General Counsel & Secretary of Square D Company.

Geraldine F. McEnroe

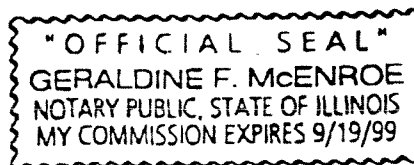


Exhibit "A"

88-LLA-7

LOT "A"

BEING A DIVISION OF LOTS 1 THROUGH 16, INCLUSIVE, OF BLOCK 124 AND LOTS 1 AND 2 OF BLOCK 123 OF AMENDED MAP OF THE TOWN OF BEAUMONT, PER PLAT RECORDED IN BOOK 6 OF MAPS, PAGES 16 AND 17, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, TOGETHER WITH THOSE PORTIONS OF CHESTNUT AVENUE, FOURTH STREET, MICHIGAN AVENUE AND ALLEYS VACATED AND REVERSED TO ACREAGE BY MINUTE ORDER MADE AND ENTERED JULY 6, 1893, IN BOOK 1 OF SUPERVISORS MINUTES, AT PAGE 68, THEREOF, A CERTIFIED COPY RECORDED JUNE 28, 1940 IN BOOK 467, PAGE 434 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, VACATED BY RESOLUTIONS OF CITY COUNCIL OF THE CITY OF BEAUMONT, A CERTIFIED COPY RECORDED MARCH 13, 1987 AS INSTRUMENT NO. 69436 AND NOVEMBER 8, 1968 AS INSTRUMENT NO. 107599 BOTH OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WHICH WOULD PASS BY OPERATION OF LAW WITH THE CONVEYANCE OF SAID LOTS;

ALSO EXCEPT THEREFROM ANY PORTION OF SAID LAND LYING WITHIN THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, 200 FEET WIDE, BY UNITED STATES CONGRESSIONAL GRANT OF MARCH 3, 1871.

SAID PROPERTY LOCATED IN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SAN BERNARDINO BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 16 OF BLOCK 124 IN SAID AMENDED MAP OF THE TOWN OF BEAUMONT;

THENCE PARALLEL WITH THE CENTER LINE OF THIRD STREET NORTH 89°46'20" WEST, TO A POINT ON THE CENTERLINE OF THE VACATED CHESTNUT AVENUE, A DISTANCE OF 40.00 FEET;

THENCE NORTH 00°12'00" EAST, ALONG THE CENTERLINE OF VACATED CHESTNUT AVENUE, A DISTANCE OF 531.20 FEET TO A POINT ON THE SOUTH LINE OF THE 200 FOOT SOUTHERN PACIFIC RAILROAD RIGHT OF WAY;

SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1809.81 FEET; A RADIAL BEARING TO SAID POINT BEARS SOUTH 00°31'15" EAST; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°48'10" AND AN ARC DISTANCE OF 87.48 FEET, SAID LINE BEING THE SOUTH LINE OF SAID 200 FEET WIDE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY;

THENCE CONTINUING ALONG THE SOUTH LINE OF THE SAID SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, SOUTH 87°45'05" EAST, A DISTANCE OF 122.58 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 87°45'05" EAST, A DISTANCE OF 331.78 FEET;

THENCE SOUTH 01°49'28" WEST, A DISTANCE OF 43.61 FEET;

THENCE SOUTH 88°02'37" EAST, A DISTANCE OF 5.40 FEET;

THENCE SOUTH 02°00'00" WEST, A DISTANCE OF 46.32 FEET;

THENCE SOUTH 88°00'00" EAST, A DISTANCE OF 10.00 FEET;

THENCE SOUTH 02°00'00" WEST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 88°00'00" WEST, A DISTANCE OF 10.00 FEET;

THENCE SOUTH 02°00'00" WEST, A DISTANCE OF 34.83 FEET;

THENCE NORTH 87°35'55" WEST, A DISTANCE OF 8.30 FEET;

THENCE SOUTH 02°24'07" WEST, A DISTANCE OF 59.46 FEET;

THENCE NORTH 87°30'19" WEST, A DISTANCE OF 97.75 FEET;

THENCE SOUTH 02°00'46" WEST, A DISTANCE OF 131.59 FEET;

THENCE NORTH 87°58'16" WEST, A DISTANCE OF 230.84 FEET;

THENCE NORTH 02°00'14" EAST, A DISTANCE OF 326.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.186 ACRES.

TOGETHER WITH A NON EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND UTILITIES IN AND OVER A 40 FT. WIDE STRIP OF LAND LYING EASTERLY AND ADJACENT TO THE WEST LINE OF LOT "B" OF THIS LOT LINE ADJUSTMENT; AND THE NORTHERLY 40 FT. OF THE WESTERLY 210.00 FT. OF SAID LOT "B".

SEE ATTACHED EASEMENT FOR FULL DESCRIPTION.

**AMENDED AND RESTATED**  
**NOTIFICATION OF LAND USE AND RESTRICTIONS**

The property presently owned by Square D Company, successor in interest to Yates Industries, Inc., and conveyed to Circuit Foil Corporation, whose name was subsequently changed to Yates Industries, Inc., by deed dated November 22, 1968 recorded with the County Clerk and Recorder, Riverside County, on January 2, 1969 as Document number 147, contains hazardous waste disposal units located as shown on the accompanying Exhibit A. The units were closed between December 1987 and August 22, 1980 in accordance with the requirements of the Resource Conservation and Recovery Act (RCRA) as codified in 40 CFR 265 Subpart G. The units are in post closure care for a period of 30 years following closure. All post closure care activities must be in accordance with the existing post closure plan dated May, 1986 and any amendments thereto. Post closure care restricts the use of the property so as never to disturb the integrity of the final cover, liner or any components of the containment system. Regular monitoring, reporting, and maintenance activities must also be performed in accordance with the post closure plan requirements.

The thirty (30) year post closure care period may be shortened or extended as provided in Title 26, Division 22 of the California Code of Regulations, Section 66264.117. Use of the post closure care area shall be in accordance with the limitation and notification requirements described in 26 CCR 66264.117d.

**This document replaces and supercedes the Amended And Restated Notification Of Land Use And Restrictions dated November 6, 1995, recorded with the County Clerk and Recorder, Riverside County, on November 7, 1995 as Document #95-372982 which is hereby terminated and of no further effect.**

Respectfully submitted,

SQUARE D COMPANY

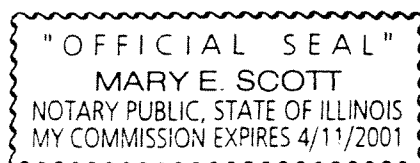
By: W. W. Kurczewski  
W. W. Kurczewski  
Vice President, General Counsel & Secretary

(SEAL)

State of Illinois )

County of Cook )

This document was acknowledged before me on January 15, 1999 by W. W. Kurczewski, Vice President, General Counsel & Secretary of Square D Company.



Mary E. Scott  
Notary Public

## Exhibit "A"

98-LLA-7

## LOT "B" Legal

BEING A DIVISION OF LOTS 1 THROUGH 16, INCLUSIVE, BLOCK 124 AND LOTS 1 AND 2 OF BLOCK 123 AND LOTS 1 AND 2 OF BLOCK 122, OF AMENDED MAP OF THE TOWN OF BEAUMONT, PER PLAT RECORDED IN BOOK 8 OF MAPS, PAGES 16 AND 17, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA TOGETHER WITH THOSE PORTIONS OF MICHIGAN AVENUE, MASSACHUSETTS AVENUE AND ALLEYS VACATED AND REVERSED TO ACREAGE BY MINUTE ORDER MADE AND ENTERED JULY 6, 1893, IN BOOK 1 OF SUPERVISORS MINUTES, AT PAGE 59, THEREOF, A CERTIFIED COPY RECORDED JUNE 28, 1940 IN BOOK 467 PAGE 434 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, VACATED BY RESOLUTIONS OF CITY COUNCIL OF THE CITY OF BEAUMONT, CERTIFIED COPIES RECORDED DECEMBER 23, 1958 AS INSTRUMENT NOS. 124682 AND 124683 AND RECORDED NOVEMBER 8, 1968 AS INSTRUMENT NOS. 107559, 107600 AND 107601 ALL OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WHICH WOULD PASS BY OPERATION OF LAW WITH THE CONVEYANCE OF SAID LOTS:

EXCEPT THE SOUTH 40.00 FEET OF LOT 2 IN BLOCK 122;

EXCEPT THE SOUTH 40.00 FEET OF LOT 2 IN BLOCK 123;

ALSO EXCEPT THEREFROM ANY PORTION OF SAID LAND LYING WITHIN THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, 200 FEET WIDE, BY UNITED STATES CONGRESSIONAL GRANT OF MARCH 3, 1871. SAID PROPERTY LOCATED IN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 WEST SAN BERNARDINO BASE AND MERIDIAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2 IN BLOCK 122 OF SAID AMENDED MAP OF THE TOWN OF BEAUMONT;

THENCE NORTH 00°3'48" EAST, ALONG THE EAST LINE OF SAID LOT 2 IN BLOCK 122, A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING.

THENCE PARALLEL WITH THE SOUTH LINE OF SAID LOT 2 NORTH 88°46'20" WEST, A DISTANCE OF 1229.96 FEET TO A POINT ON THE CENTER LINE OF SAID VACATED CHESTNUT STREET.

THENCE NORTH 00°12'00" EAST, ALONG THE CENTERLINE OF VACATED CHESTNUT AVENUE, A DISTANCE OF 531.20 FEET TO A POINT ON THE SOUTH LINE OF SAID 200 FOOT WIDE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY;

SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1809.91 FEET; A RADIAL BEARING TO SAID POINT BEARS SOUTH 00°31'15" EAST; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 2°46'10" AND AN ARC DISTANCE OF 87.48 FEET, SAID LINE BEING THE SOUTH LINE OF THE 200 FEET SOUTHERN PACIFIC RAILROAD RIGHT OF WAY;

THENCE CONTINUING ALONG THE SOUTH LINE OF THE SAID SOUTHERN PACIFIC RAILROAD RIGHT OF WAY SOUTH 87°45'05" EAST, A DISTANCE OF 122.58 FEET;

THENCE SOUTH 02°00'14" WEST, A DISTANCE OF 326.29 FEET;

THENCE SOUTH 87°59'16" EAST, A DISTANCE OF 230.84 FEET;

THENCE NORTH 02°00'46" EAST, A DISTANCE OF 131.59 FEET;

THENCE SOUTH 87°30'18" EAST, A DISTANCE OF 87.75 FEET;

THENCE NORTH 02°24'07" EAST, A DISTANCE OF 59.46 FEET;

THENCE SOUTH 87°35'55" EAST, A DISTANCE OF 8.30 FEET;

THENCE NORTH 02°00'00" EAST, A DISTANCE OF 34.83 FEET;

THENCE SOUTH 88°00'00" EAST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 02°00'00" EAST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 88°00'00" WEST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 02°00'00" EAST, A DISTANCE OF 48.32 FEET;

THENCE NORTH 88°02'37" WEST, A DISTANCE OF 5.40 FEET;

THENCE NORTH 01°49'28" EAST, TO THE SOUTH LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, A DISTANCE OF 43.61 FEET;

THENCE SOUTH 87°45'05" EAST, ALONG THE SOUTH LINE OF SAID SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, A DISTANCE OF 689.14 FEET TO A POINT ON THE EAST LINE OF BLOCK 122;

THENCE SOUTH 00°13'46" WEST, ALONG THE EAST LINE OF LOTS 1 AND 2 OF SAID BLOCK 122, A DISTANCE OF 489.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.260 ACRES.

SUBJECT TO A GRANT OF EASEMENT TO LOT "A" OF THIS LOT LINE ADJUSTMENT: FOR INGRESS AND EGRESS AND UTILITIES IN AND OVER A 40 FT. STRIP OF LAND EASTERLY AND ADJACENT TO THE WEST LINE OF THE ABOVE DESCRIBED LOT "B" AND THE NORTHERLY 40 FT. OF THE WESTERLY 210.06 FT. OF SAID LOT "B".  
SEE ATTACHED EASEMENT FOR FULL DESCRIPTION.

